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PERKINS COIE LLP			PHAM, THOMAS K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,639

Applicant(s)

DECKER, STEPHEN EDWARD

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the request for continued examination filed 07/18/2007.
2. Applicant's arguments, with respect to the new issues of claims 3, 18, and 21, necessitated the new ground(s) of rejection presented in this Office action.

Quotations of U.S. Code Title 35

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Specification

4. The substitute specification contains an appendix which has not been placed between the specification (pages 1-45) and the claims (page 46). If the application pages are not renumbered so that the pages of the appendix fall between the specification and the claims, it will not be printed in a patent (see MPEP - Rule 37 *CFR* 1.96). Furthermore, the substitute specification contains footnotes. Applicant is required to incorporate the footnotes into the body of the specification.
5. In addition, the substitute specification contains embedded hyperlinks and/or other form of browser-executable code. Applicant is required to delete or make inoperative the embedded hyperlinks and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

6. Claims 3, 4, 7-11, 15, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0195441 (“Firouzgar”) in view of U.S. Patent Application Publication No. 2002/0130846 (“Nixon”) and further in view of U.S. Patent No. 6,575,802 (“Yim”).

Regarding claim 3

Firouzgar teaches a system for controlling an electromechanical device comprising: a network [see paragraph 31 “Internet”]; a first computer coupled to the network [see FIG. 5, “activation device 53”], a second computer coupled to the network [see FIG. 5 “system 55”] and a wireless transmitter [see FIG. 5 “wireless transmitter 55” and paragraph 0031], the second computer executing a software module capable of receiving the command request and sending the command request through the wireless transmitter [see paragraph 0028 “System 51 transmits a radio frequency signal that is received by lock 41 and wearable stimulation device 1. The radio frequency signal contains information that selectively actuates one or the other or both of the lock 41 and wearable stimulation device 1”]; an electromechanical device for entertainment capable of receiving the command request from the wireless transmitter [see paragraph 0026]; wherein, the first user uses the first computer to send the command request over the network to the second computer, wherein the second computer receives the command request and wirelessly transmits the command request to the electromechanical device to entertain a second user [see paragraph [see paragraph 0028, “activation device 53 (first computer) send a command request to system 51 (second computer), system 51 transmits the command wirelessly to lock 41 to stimulate a second user].

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Firouzgar does not specifically teach the first computer executing a web browser representing a graphical control panel, the graphical control panel capable of receiving a command request from a first user; wherein, an animated display emulating the behavior of the electromechanical device is displayed on the first computer.

However, Nixon discloses a host computer for use in interfacing to a remote computer via a graphical display interface with an internet connection that capable of receiving a command request from a host computer operator [see paragraphs 0049, 0074 and 0075].

Firouzgar and Nixon are analogous art because they are in the same field of endeavor of controlling of a remotely located device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the web-enable graphical interface of Nixon with system of Firouzgar because it would provide for the purpose of graphically interfaces with remote devices to be controlled.

Furthermore, Yim teaches a visual/audio display which provides a display to support a metaphor that simulating behavior of a device (see col. 6 lines 5-12 and lines 17-24).

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device's behaviors to a user.

Regarding claim 21

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Firouzgar teaches a method for controlling an entertainment device comprising: providing a first computer [see FIG. 5, “activation device 53”]; providing a second computer [see FIG. 5, “system 51”]; sending of a command request by a first user [see paragraph 0028, “from activation device 53 a user may enter a code or phone number that uniquely identifies lock 41 or stimulation device 1”]; receiving the command request by the second computer; sending the command request wirelessly to the entertainment device; applying the command by the electromechanical device for the entertainment of a second user [see paragraph 0028, “activation device 53 (first computer) send a command request to system 51 (second computer), system 51 transmits the command wirelessly to lock 41 to stimulate a second user”].

Firouzgar does not specifically teach the first user using a graphical browser interface through a web browser on the first computer; wherein, an animated display emulating the behavior of the electromechanical device is displayed on the first computer.

However, Nixon discloses a host computer for use in interfacing to a remote computer via a graphical display interface with an internet connection that capable of receiving a command request from a host computer operator [see paragraphs 0049, 0074 and 0075].

Firouzgar and Nixon are analogous art because they are in the same field of endeavor of controlling of a remotely located device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the web-enable graphical interface of Nixon with system of Firouzgar because it would provide for the purpose of graphically interfaces with remote devices to be controlled.

Furthermore, Yim teaches a visual/audio display which provides a display to support a metaphor that simulating behavior of a device (see col. 6 lines 5-12 and lines 17-24).

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device's behaviors to a user.

Regarding claim 4

Firouzgar and Nixon teaches a system as recited in claim 3 (see above rejection of claim 3) but do not specifically disclose the transmitter is coupled to the second computer through a universal serial bus (USB) interface. However, the concept and advantages of using a universal serial bus (USB) interface for connecting between two computers is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the USB interface for connecting between two computers to the system of Firouzgar because it would provide for communicating between digital devices and for faster data transfer than the normal serial connector.

Regarding claim 7

Nixon teaches wherein the web browser displays an animated representation of the electromechanical device [see paragraph 0074].

Regarding claim 8

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Nixon teaches wherein, in operation, the web browser is used to input desired behaviors which are displayed by the animated representation [see paragraph 0074].

Regarding claim 9

Nixon teaches wherein the animated representation displays an animated image of the electromechanical device, the animated representation mimicking the physical operation of the electromechanical device [see paragraph 0075].

Regarding claim 10

Firouzgar teaches a server coupled to the first and second computer, the server capable of receiving the command request and transmitting the command request to the second computer over the network [see paragraph 0028].

Regarding claim 11

Nixon teaches the server is able to serve a customizable web interface to the first computer, the customizable web interface capable of being used as an interface for controlling the electromechanical device [see paragraph 0074].

Regarding claim 15

Firouzgar teaches the electromechanical device has a stimulation apparatus [see paragraph 0026].

Regarding claim 16

Firouzgar teaches wherein the stimulation apparatus is responsive to the command request [see paragraph 0029].

Regarding claim 22

Firouzgar teaches the entertainment provided is stimulation of the second user's body [see paragraph 0025].

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7. Claims 5, 6, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0195441 ("Firouzgar") in view of U.S. Patent Application Publication No. 2002/0130846 ("Nixon") and further in view of U.S. Patent No. 6,575,802 ("Yim") and further in view of U.S. Patent Application Publication No. 2004/0260518 ("Polz").

Regarding claims 5,6 and 17

Firouzgar, Nixon and Yim teaches a system as recited in claim 3 with a first and a second computer (see above rejection of claim 3), but do not teach a third computer coupled to the network or one or more additional computers coupled to the network, a second web browser.

However, Polz teaches operation of automation components with a third computer couple to the network to access the plurality of devices using individual servers using separate application [see paragraph 0014].

Firouzga and Polz are analogous art because they are in the same field of endeavor of controlling of a remotely located device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the third device of Polz with the system of Firouzga for the purpose of sending commands from separate users with separate web-enable graphical program.

Regarding claim 12

Polz teaches wherein the server is coupled to the one or more computers, and the server is capable of receiving the command requests from the one or more additional computers and provide the command requests to the second computer [see paragraph 0014].

Regarding claim 13

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Firouzga teaches wherein the server includes logic able to determine which command request to send in the event of conflicting command requests [see paragraph 0031].

Regarding claim 14

Firouzga teaches wherein the logic determines which command request to send to the software module by the number of command requests received for the command [see paragraph 0026].

8. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0195441 ("Firouzgar") in view of U.S. Patent No. 6,575,802 ("Yim").

Regarding claim 18

Firouzgar teaches an electromechanical device comprising: a communication device configured to receive a command from a remote computer transmitted over a network [FIG. 5 "system 51" and paragraph 0028 "Activation device 53 accesses a wireless transmitter 55 of system 51"]; a command logic coupled to the communication device, the command logic capable of receiving the command from the communication device, and the command logic configured to apply the command [see paragraph 0026 "Circuit 27 includes a microprocessor 35 that is utilized to detect specific addresses and functionalities that are received via the wireless signals"]; a stimulation device coupled to the command logic and responsive to the applied command [see paragraph 0026 "to control the vibrator 23" and paragraph 0028 "System 51 transmits a radio frequency signal that received by locket 41 and wearable stimulation device 1"]; wherein, the stimulation device is configured to be applied to a user's body [see paragraph 0025 "The simulation device 1 is wearable on the body"].

Firouzgar does not specifically teach an animated display emulating the behavior of the electromechanical device is displayed on the first computer.

However, Yim teaches a visual/audio display which provides a display to support a metaphor that simulating behavior of a device (see col. 6 lines 5-12 and lines 17-24).

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device's behaviors to a user.

Regarding claim 19

Yim teaches a feedback capability from a device to a user that shows the state of the system and logic responsive to the state of the device, and provides a display to support a metaphor that simulating behavior of a device (see col. 6 lines 5-12 and lines 17-24).

Regarding claim 20

Firouzgar teaches a electromechanical device as recited in claim 18 [see rejection of claim 18 above], wherein the communication device receives the command request wirelessly from a local computer [see FIG. 5 and paragraph 0028 "System 51 transmits a radio frequency signal that received by locket 41"], wherein the local computer receives the command request from the remote computer [see paragraph 0031 "the communication between transmitter 55 and activation device 53 may be an Internet connection"].

Response to Arguments

In the remarks, applicant argues that cite reference fails to teach:

I) “wherein, an animated display emulating the behavior of the electromechanical device is displayed on the first computer” as to claim 1 and 21 and similar to claim 18.

In response to applicant’s arguments,

I) Prior art Yim (USPN 6,575,802) teaching controlling of a robotic toy modules including simulating a sequence of behaviors of the robotic modules and displaying on a visual/audio display a metaphor corresponding to the behavior or emotions of the system as described on column 6 lines 5-24 and column 6 lines 39-58.

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device’s behaviors to a user. Thus, the limitations are taught by the reference.

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 7:30 AM - 4:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Thomas Pham
Primary Examiner



September 20, 2007